IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 28223 of 2006(I)

PETITIONER:

ABOOBACKER HAJI, S/O.MOHAMMED,
AGED 52 YEARS, PALAKKATHODI HOUSE,
PARAVAKKAL, KADUNGAPURAM P.O., ANGADIPPURAM VIA,
MALAPPURAM DIST.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. STATE BANK OF TRAVANCORE,
PERINTHALMANNA BRANCH, MALAPPURAM DISTRICT,
REPRESENTED BY ITS CHIEF MANAGER.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 ORDER DT 20.7.06.

P2 ORDER DT 11.9.06.

P3 RECEIPT EVIDENCING PAYMENT.

P4 RECEIPT EVIDENCING PAYMENT.

P5 REPRESENTATION TO R2 DT 20.9.06.

P6 REPRESENTATION DT 19.10.06 TO R2.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 28223 OF 2006 I

Dated this the 5th day of December, 2006

J U D G M E N T

Heard counsel for petitioner and standing counsel for 2nd respondent bank.

2. Since security offered is petitioner's house and since petitioner has undertaken to clear the balance dues under the one time settlement scheme in three instalments by 28.2.2007, writ petition is disposed of granting facility to the petitioner to clear liability by paying balance amount payable under the OTS scheme in three instalments along with interest on such amounts for belated payment at the rate of one percent per month. The first instalment will be paid on or before 31.12.2006 and the balance on or before last day of the two succeeding months. There will be a direction to petitioner to handover possession of the building to the bank by 1.3.2007, if petitioner does not settle full liability as above i.e., 28.2.2007. In the event of failure, bank will be free to take coercive steps and move for contempt. The bank will withhold coercive steps for settlement of the liability amount.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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